

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 11/22/05

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Redevelopment Agency Board

FROM: Executive Director

SUBJECT: Amend Environmental Services Contract in Connection with the Cannery Area Project and Appropriate Funds

RECOMMENDATION:

It is recommended that the Redevelopment Agency Board adopt the attached resolutions authorizing the Executive Director to amend the Professional Services Agreement with Lowney Associates to provide for additional environmental services in connection with the Cannery Area Project and to appropriate \$396,380 for this purpose.

DISCUSSION:

In December 2004, the Agency Board approved an agreement with Lowney Associates for \$110,000 to provide an environmental assessment of the site of the new Burbank School and Cannery Park (a joint use project) with respect to any hazardous materials that might be present. In addition the consultant would prepare and submit to the regulatory bodies any documents or reports necessary to secure approval of the site for construction of a new school. The original scope of work allocated \$55,000 for Basic Services, which included the preparation of the Preliminary Environmental Assessment (PEA) and \$55,000 for Additional Services which included, if necessary, a Removal Action Work plan (RAW).

Since December of 2004 substantial field work has been completed by the consultant and submitted to the Department of Toxic Substances Control (DTSC), the regulatory body charged with ensuring school site safety. As a result of the findings, (site sampling and analysis) the scope of work for the original PEA work plan had to be expanded substantially and DTSC is now requiring a Supplemental Site Investigation (SSI). At this time DTSC has informed the Agency that all three reports, a PEA a SSI and a RAW, must be completed and approved before any remediation work can begin. In addition, right-of-way acquisition and street improvements associated with the Cannery Area Project have required specific environmental assessments. These additional requirements represent a much expanded scope of work for the environmental consultant than was contracted for in December 2004.

Development of urban sites that have a history of prior uses always entails a certain level of risk that additional testing/remediation work will have to be done. That has proven to be the case with this site. Following the contract award, more detailed and site specific information identified additional environmental issues and it became clear that more soil sampling and analysis would be required as noted above. In addition, there have been additions to the scope of work, specifically testing on the exiting school site, which will ultimately be demolished, and for

remediation monitoring. Remediation monitoring was not provided for in the original scope of work as the need or extent of such work had not been determined.

Even though additional cost is being incurred, it is important to note that environmental issues with respect to the project are being addressed and that the safety of students and park users will be assured. In terms of the project's progress there is still testing to be done, however, nothing has come to light that cannot be satisfactorily addressed through remediation work on the site and within the timeframe established for the project.

The requested authorization for additional services from Lowney Associates is categorized as follows:

Additional PEA Services	\$43,275
Supplement Site Investigation (SSI)	55,545
Removal Action Work plan (RAW)	50,000
Remediation Plans and Specifications	12,650
Residual School Site Phase I/II	17,350
Additional Street Sampling	17,560
Remediation Monitoring	150,000
Contingency	50,000


Total:	\$396,380
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As can be seen in the schedule above Remediation Monitoring represents a significant portion of the requested funding. This work covers a range of services. For example, once remediation work begins, it will be necessary to monitor the removal of contaminated soils by the contractor. This will include collecting extensive samples to confirm effective removal, and directing the contractor on a day to day basis regarding potential changes to the remediation as a result of the sampling. Lab analysis is typically done on an expedited basis to ensure the remediation contractor proceeds on an uninterrupted basis. Regulatory requirements also require the submission of lab analyses and completion reports to DTSC before final approval of the site for construction. As noted earlier in the report, this item represents an addition to the original scope of work.

FUNDING:

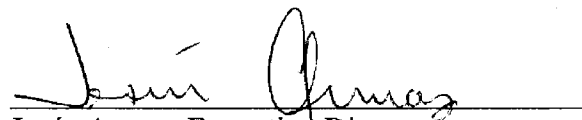
There are sufficient funds in the 2004 Tax Allocation Bond Fund to pay for the initial Lowney environmental assessment budget and for the additional services requested above. Accordingly, staff is recommending that \$396,380 be appropriated to support the continuing environmental assessment of the new Burbank School site and associated street/public improvement properties.

Prepared by:



Lynn Dantzker, Cannery Area Project Manager

Approved by:


Jesús Armas, Executive Director

Attachments: RA Resolution (2)

DRAFT

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA- 05-

Introduced by Agency Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A CONTRACT AMENDMENT WITH
LOWNEY ASSOCIATES TO PROVIDE ADDITIONAL
ENVIRONMENTAL SERVICES FOR THE CANNERY
AREA

BE IT RESOLVED by the Agency Board of the City of Hayward that the Executive Director is hereby authorized and directed to execute on behalf of the Redevelopment Agency a contract amendment with Lowney Associates to provide additional environmental services for the Cannery Area Project, Project No. 5097, in an amount not to exceed \$396,380, in a form approved by General Counsel.

HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:

CHAIR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: _____

Secretary of the Redevelopment Agency
of the City of Hayward

APPROVED AS TO FORM:

General Counsel

DRAFT

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA 05-

Introduced by Agency Member _____

**RESOLUTION AMENDING RESOLUTION NO. RA-05-12,
AS AMENDED, THE REDEVELOPMENT AGENCY
BUDGET RESOLUTION FOR FISCAL YEAR 2005-06,
RELATING TO AN APPROPRIATION OF FUNDS FROM
THE 2004 TAX ALLOCATION BOND FUND, FUND 454 TO
PROVIDE ADDITIONAL ENVIRONMENTAL SERVICES
FOR THE CANNERY AREA**

BE IT RESOLVED by the Redevelopment Agency of the City of Hayward that Resolution No. RA-05-12, as amended, the Redevelopment Agency Budget Resolution for Fiscal Year 2005-06, is hereby further amended by appropriating \$396,380 from the 2004 Tax Allocation Bond Fund, Fund 454, to provide additional environmental services for the Cannery Area Project, Project No 5097.

HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:

CHAIR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: _____

**Secretary of the Redevelopment Agency
of the City of Hayward**

APPROVED AS TO FORM:

General Counsel